

8. Religious Values and the Struggle Against Corruption

Judge John T. Noonan, Jr., Moderator Ninth Circuit Court of Appeals United States

The text of Judge Noonan's remarks, as prepared for delivery, may be found in the Appendix.

Judge Noonan asked what values does every major religion cherish? Trust between human beings, honesty in communication, integrity of soul. Why are these values cherished religiously? In a religious conception of life, human beings are not predators, but cooperators in a communal endeavor. In most religious traditions, there is a Creator who is good, who calls humans to goodness. Bribery distorts and destroys this goodness.

There cannot be a bribe unless a public official betrays a trust, is persuaded to act for a private purpose, subordinating the common good to individual gain. A bribe means a private interest hides what is paid, and a public official hides what is received. Lies are the necessary envelopes of bribes. A bribe means a public official is divided, half looking to the office he is supposed to perform, half looking to his own enrichment. Integrity is snapped by avarice.

By breaking trust, lying to hide that breach, spoiling his integrity by yielding to greed, the corrupted public official violates the values that religion protects and fosters. That official is by definition unjust, sells favors for cash and in a very corrupt regime, invites revolution against a government of thieves. Peace, friendship and justice, goods promoted by religion, are harmed. The bribe giver is the joint cause of the harm the corruption inflicts.

The terms that religious-moral tradition has used to describe the officeholder who takes bribes are harsh. Dante's Divine Comedy devotes more space in hell to the bribetakers and bribegivers, both secular and religious, than to any other type of sin. In metaphors to signify the spiritual state of these souls, Dante sees them as frogs under sticky pitch. Dante supplies the most comprehensive possible definition of the act of bribery: it is when "No becomes Yes for money."

The Yes purchased in this fashion violates integrity, truth and justice. The Yes of religion is Yes to a life of honest communication, fair communal cooperation, and undivided fidelity to the trust imposed by public office.

Dr. Alan Geyer
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The full text of Dr. Geyer's paper "Christianity, Corruption, and Democracy" may be found in the Appendix.

Dr. Geyer said that before proceeding to some positive perspectives of the Christian faith on the subject of this conference, he wished to offer some words of confession. The historic record of Christianity in relation to democracy is, at best, ambiguous. Until the 18th Century, the dominant theologians and ecclesiastical institutions of Christianity tended to give priority to order over justice, while democratic thought and practice gave priority to the latter. In practice, Christianity, as well as other religions, is implicated in some of history's most violent and bitter conflicts, international and domestic. Further, Christian institutions are not strangers to the problems of corruption in their own life. They have held properties and investments that have exploited poor people, and often attempted to conceal such facts, and have coveted special political privileges contrary to the integrity of democratic institutions.

However, in a deeper sense, the seriousness of Christianity about human sinfulness teaches much about corruption. While modern persons might cringe at the mention of notions such as original sin and human depravity, the history of this century demonstrates that human beings are capable of inhuman things. Democratic institutions must be structured with reference not only to the positive capacities of persons for self-government, but also to the propensity of persons to greed, hostility, cruelty and corruption. It is not enough to say that corruption threatens democracy. It must also be said that democracy will soberly expect corruption, but will design governmental structures and public strategies to cope with it.

Some fundamentally positive perspectives deeply grounded in the Christian faith may help equip democratic leaders in efforts to combat corruption.

Consider first the place of government in the providence of God. If government is viewed in essentially negative terms, rather than as the positive instrument of the common good, citizens are likely to be disposed toward cynicism and distrust. This in turn leads to temptations to manipulation and corruption of government. American political culture since 1800 has been largely shaped by the view that business is good, government bad. Such an orientation denies the essential dignity of government as an "order of creation", a providential institution for the preservation, nurturing and enhancement of life. Christianity professes a deep fundamental respect for the rule of law and the unique responsibilities of government as the one institution authorized to act for

the whole of society, and to transcend any particular or special interest. Corruption is likely to flourish when either the leaders of government or the aggressors of special interests, or combinations of the two, fail to share this respect for the transcendent legitimacy of government.

A related concept nurtured especially by Protestant Christianity but much honored in practice by Roman Catholicism is that of vocation, the sacredness of secular callings. This can mean celebrating politics and public service as vocations, even daring to suggest that politics is holy ground. The power of this concept is its challenge to anti-political attitudes that undercut the public health of the civil society that a democratic nation requires. Some churches have also done much to lift the dignity of business as a sacred calling. Political and business leaders holding this conviction of the sacredness of their vocation, supported by a citizenry educated to that same sense of public responsibility, will have formidable defenses against temptations to corruption.

The core virtue of public responsibility is justice, a word also at the heart of the sacred vocabulary of all three faiths in the Abrahamic tradition. There are many contrasting meanings of justice, but the people's confidence in the integrity of government depends not only on impartial law enforcement and equitable criminal justice systems, but also on the assurance that public policy serves the common good and the special needs of the disadvantaged. Doing justice to the poor who tend to suffer most from corruption is one of the most important religious motivations for fighting corruption.

Finally, justice is absolutely dependent on the personal and public virtue of truthfulness. In the Christian faith, the lack of truthfulness is the essence of corruption. Dishonesty destroys communication, trust and confidence. Truthfulness is both a principle of personal morality, and the cornerstone of democratic government.

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The full text of Rabbi Visotzky's remarks as prepared for delivery may be found in the Appendix.

Rabbi Visotzky said his first point was that religious values are against corruption. He quoted from the Torah, in which Moses is commanded: "You shall appoint magistrates and officials for your tribes...and they shall govern the people with due justice... you shall not take bribes, for bribes blind the eyes of the discerning and upset the plea of the just." (Deut. 16:18-20) The Jewish

rabbinical tradition holds that one must pursue justice through just means, and that when appointed to office, one no longer may be one's own, but must serve God and the people.

The Torah specifically commands the Israelites of old to have the same standard of justice for the stranger. This proposition is repeated many times, probably due to the temptation to favor their own against the stranger. However, the Bible recognizes that law alone is not enough to insure against corruption. Indeed, law, transparency, a free press, and even international conferences convened by the Vice President are insufficient to prevent corrupt practice in the administration of justice. Even with all laws, there will still be those open to corruption, and those willing to corrupt.

The law is too ungainly a tool to be successful alone in suppressing corruption in government. The ideal of fairness, and therefore intolerance for corruption, must be a manifest part of society at large. In all parts of the world, for Jewish, Christian, Hindu, Muslim or other religions, the ideals of fairness and honest service must be a part of the fabric of society. People of good will may disagree honestly about what God commands, but we must follow the sense of the commandment to justice because it serves us well as humans, and we must teach our children to follow it as well.

People must study together. This may be the Bible, Old or New Testament, the Quran, the Gitas or any other sacred text of the various traditions, or even Shakespeare, Norse myth, Chinese legend or even the daily newspaper, so long as that study leads to discussion of what is right and moral and ethical and just. Only when speaking of justice is part of the daily round is there a chance of eliminating corruption.

The kind of study he suggests takes a moral dilemma and allows people to achieve moral development through debate and discussion over how it might be resolved. As they articulate the reasons behind answers, people grow to think in moral and ethical ways. Experience of discussing other people's moral dilemmas and the exposure to varying points of view teaches the necessity for moral thinking as part of one's daily intellectual apparatus. The ideal outcome is moral thinking when one is confronted with a moral dilemma in one's own life.

So long as corruption is seen as a means to achieving fairness in society, then it will persist. Only when societies reflect fairness that lack of corruption implies can laws, the media and transparency codes have a chance to eliminate corruption. When there is a life of justice and security for all, there may be a hope to eradicate corruption among officers of justice and security. To eliminate corruption in government, the ethos of society must be changed so that the will to govern is the will to serve the people and the ideals of justice and security for all, and in those many places where such sovereignty is recognized, to serve God.

He closed quoting the prophet Micah (6:8): "What does God require of you? But to do justice, love fairness, and walk humbly with your God."

Archbishop Oscar Andres Rodriguez
Tegucigalpa, Honduras
President, Latin American Episcopal Council

The text of the "Ethical Declaration against Corruption" approved by the Latin American Episcopal Council in Santiago, Chile on May 22, 1997 may be found in part XV of the Appendix.

Archbishop Rodriguez said that corruption respects no boundaries. The practice of corruption encourages lack of trust in public institutions, and prevents prosecution of the unjust. Extradition of such offenders, and international cooperation to enforce the laws against corruption, are imperative.

The American continent is marked by competition and materialism. Citizens must have processes available to protect against excesses, and transparency in governance is an important protection for the weakest in society. There is a strong affinity between the secular terms of the 1996 Inter-American Convention Against Corruption, and the Catholic Church's strong denunciations of corruption. There is an urgent need to train young people, in keeping with the tenets of their faith, to direct themselves to public life and engage for the public good. The Catholic Church, on a grassroots level, plays an important role in strengthening civic values that demand honesty and transparency in public life.

Dr. Nurcholish Madjid
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Indonesia

The full text of Dr. Madjid's statement, as prepared for delivery, may be found in the Appendix.

Dr. Madjid said that to speak about Islam and corruption as related to the Indonesian case is to speak about the largest Muslim country in the world, which has also been reputed as being one of the most corrupt. The irony of this is that such corruption occurs, especially among government officials, in a country of two hundred twenty million people, ninety percent of whom profess to be Muslim. The Indonesian case shows that there may be no relationship between adherence to a religion and corruption, conforming to the skepticism of the social scientist about the role of religions in human life. However, participants in this

discussion believe that there should be some kind of relationship between religious values and the struggle against corruption, since it is a given that all religions are absolutely against corruption as a wrong done to humanity.

Islam is a religion of ethical monotheism. It demands that its followers recognize the absolute unity of The God. Man's salvation can be attained only by true faith, and sincerity in doing righteous and good deeds. The value of deeds is a central theme in the Qur'an. Further, true faith and righteous conduct are not enough unless the community is open to moral advice as to what is really right for society.

The concept of man in Islam is that man is the Vice-regent of God on earth. His main duty is to promote the quality of life by reforming the earth and safeguarding it from destruction and corruption. For this God gave man reason to understand the natural world. To understand the law of nature and to use the world on the basis of that law is the kernel of man's duty.

The prophet Muhammad gave a good example for believers in putting Islamic principles into reality by establishing "Madinah" (a word meaning "city", but in context denoting "system of obedience or lawfulness"). "Madinah" means a pattern of human life in a social system characterized by obedience to rule and law that results in the establishment of civilization. The American social scientist Robert N. Bellah had characterized this as "...a remarkable leap forward in social complexity and political capacity... It is modern in the degree of commitment, involvement and participation expected from the rank-and-file members of the community. It is modern in the openness of its leadership positions to ability judged on universalistic grounds, and symbolized in the attempt to institutionalize a nonhereditary top leadership."

After discussion of the basic teachings of Islam, and considering this judgement by Bellah of the nature of Madinah, the speaker suggested the conclusion that the failure of Indonesian Islam is that Muslims still show a grievous discrepancy between faith and action. These Muslims had deprived themselves of the Prophet's exemplary experiment in creating Madinah, a modern social system with a high degree of commitment, involvement and participation from members of the community, in an equalitarian participant nationalism.

In other words, Indonesia has failed to establish a true participatory democracy. This mistake for the fifty years since independence has ended with social, political and economic disaster. Fortunately, the reform movement attained the momentum of success last year, and the road to true democracy is now open, but the process of experimentation continued. The coming general election in June would be Indonesia's most important attempt to experiment with true democracy, by eliminating those corrupt political, social and economic systems from which it has been suffering for a half century.

Dr. Yasuo Sakakibara
Daioji Temple, Kyoto
Japan

Dr. Sakakibara said he would address the moral principles of Buddhism.

Buddhism differed from most Western religions, in that in Buddhism, commandments were not given by God. Codes of behavior were laid down by Buddha to help monks and nuns achieve enlightenment. If those codes were observed, enlightenment might be achieved; if not, the individual had no chance of attaining it. Those codes of behavior were thus not contracts with God. They depended on the free will and self-discipline of the individual to observe them, although strict observance was an essential requirement. Initiation as a Buddhist monk or nun was a solemn promise by an individual to observe those commandments.

From the time that the first limited number of commandments were given by the Buddha, it took a thousand years for Buddhism to arrive in Japan. When it did, it had acquired elements also from many other religions on its way, and thus by that time consisted of some 10,000 sutras, which were not only a religion or philosophy, but rather a whole body of knowledge in volumes that addressed the universe and all in it. Japan accepted Buddhism not as a religion, but as an entire civilization. There had also been in Japan an indigenous religion, Shinto. Buddhism and Shinto had arrived at a division of labor; as an example, marriages in Japan were celebrated in Shinto or Christian ceremonies, funerals in Buddhist temples. Japanese Buddhism also included considerable elements of Confucius relating to society and social life.

There had been no change from this in the fact that honesty is the basic moral principle of Buddhism, but to whom must one be honest? Buddhism believes that everyone has the good of nature in his heart, and on that basis can reach enlightenment through meditation and reading the sutras. Thus, the most basic requirement was that one be honest to oneself.

Because Japanese Buddhism had incorporated some elements of the Confucian moral code, and partly also because Japan had a feudalistic society, some had considered that Buddhism extended to a principle of group loyalty, in which it was acceptable to lie to save the face of one's master. Some few in Japan carried this to the extent of belief in suicide in the name of the group.

Most Japanese tried themselves to be individually honest, and to teach their children the value and virtue of honesty. In government, however, and at higher levels in businesses or organizations, transparency is lacking. Confucius once said "to govern people well, do not let them know, let them depend."

Moreover, Westerners tended to use language with an intent to seek precision, while Japanese normally preferred to leave things somewhat ambiguous, leaving room for human wisdom to play a role in interpretation.

The combination of lack of transparency and lack of clear definition are the reason for many cases of corruption. Many cases of tax evasion, for example, were caused largely by lack of clear definition of regulations.

Buddhist traditionally has emphasized detachment from this world and its affairs. For this reason, Buddhist colleges and universities were normally weak in social sciences, and had generally not analyzed today's society from the Buddhist point of view, except to conclude that this world was full of sin, crime and distress. Consequently, one could not expect Buddhists to organize group activities against corruption. The role of ordained priests in Buddhism was to read the sutras and perform rites to help the people maintain spiritual and psychological health; teaching Buddhist values by preaching and instruction; making themselves available for consultation on spiritual or family matters. While he could not speak for all of Japanese Buddhism, he could not expect Buddhists to act collectively against corruption.

However, by emphasizing the original Buddhist codes of values and beliefs, Buddhism may be able to contribute quietly to fighting against the virus in human behavior that was corruption.

Sudaba Hasanova
Minister of Justice
Azerbaijan

More extensive statements submitted by the delegation of Azerbaijan may be found in the Appendix.

Ms. Hasanova said that corruption was a basic social problem that undermined moral and religious values, and impaired political and economic development. In Islamic, Christian and Jewish religions alike, profit from a bribe was recognized as a sin. Communism had ignored these religious values, considering them to be the opiate of the people, and thus had lost the benefit of ethical values against corruption. Since the end of the Communist system, Azerbaijan had been seeking to take effective measures against social ills, and against corruption.

In this regard, the post-Communist situation created political conditions that were favorable to corruption, undermining the values of society. For example, in one case, instead of fighting organized crime and corruption, a deputy minister of justice and prosecutor had actually become the head of a

criminal group based in his government institution. In another instance, a major tycoon had stolen \$75-million from the government, using part of the money to bribe senior officials. These and other corrupt criminals had fled and found safe haven in other countries, where they misrepresented themselves as having had political motivations for their actions. She called on other countries to extradite such criminals, and for the adoption of an international convention on extradition, to keep criminals of this nature from having any place to hide.

Last year, Azerbaijan requested the assistance of the World Bank to develop a national program against corruption. This had been done, and the plan was now in the stage of implementation. One way to combat corruption was to pay officials higher salaries, but this course of action was closed to Azerbaijan due to the reduction in government income caused by the occupation of a part of its territory by Armenia.

The Koran outlaws bribery and corruption. Azerbaijan had chosen to follow the secular model, but intended to be a law-abiding state. It was a young state, and badly needed to learn from the experience of other countries participating in this conference regarding the most effective ways to combat corruption.

Dr. Veena Das
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India

Dr. Das said she would offer some comments regarding the statements by others at this session, and some observations prompted by her own Hindu tradition.

The most important point which she observed in the discussion was that all participants were finding common ground in religious ethics of their various traditions to combat corruption. This was especially the case for that corruption that is seen as eroding the legitimacy of governance, thus attacking the basis for democracy in all parts of the world. Speakers did not wish to accept many of the old divisions that had once been seen among religions, as for example the division between world religions and local custom, or that between true religion and what was called superstition. There was rather a recognition that religious values once dismissed could in fact be very important in some cases, in what they could offer in response to the various forms of crisis that affected the world. She thought for example of African religions once dismissed as “animism” that were now recognized as relevant to values important in the world’s environmental crisis. To speak of religious values implies a temporal orientation, in which evaluation of values may be revised as needs evolve.

She referred to the best known exemplar of the Hindu tradition, Mahatma Gandhi. Gandhi had lived both within that tradition and outside of it. His attack on untouchability had been carried out at the level of both religious ideas and practical deeds. His example showed that engagement of religious values need not be static, but provides the possibility of critical challenge to the same tradition. Gandhi's approach to ethics had nothing of the flight from the world normally implied by use of the term mysticism that was supposedly characteristic of Eastern religions. Rather, he had accepted from those values the responsibility to engage in the political process. These formulations of Gandhi had much to offer in combating corruption.

It was necessary to balance visions of ethics at the level of large institutions against the local moral ethics at the level people lived. Those local moral ethics were often not identical to ethics as they had come to be understood in the context of United Nations covenants or principles of good governance. The answer was not to seek to exclude one or the other approach, but to seek to bring these two moral visions toward each other.

Every time money is removed from the system of public distribution, every time only 10% of development assistance actually reaches the poor for whom it is intended, the result of this is the exclusion of large communities from the democratic process. Gandhi realized the need to reformulate religious ethics to combat corruption at its root, in these local moral societies. She suggested further analysis of the intersecting relationships among democracy, corruption and religious values, not only at the international or national level but also at the level of local moral societies, and how people were excluded from participation in their society by corruption.

This discussion had included many examples of where it is that religious commands emanate from. This suggested the possibility of a formulation in which human conduct need not necessarily be considered unethical because it does not arise from superior commands. Ethical conduct could also arise from human beings and how they evolve their conduct in the exercise of their own human freedom.

Gandhi had adopted the approach of the Hindu householder, one that chose to engage the world, rather than withdraw from it. This sort of engagement was too often lacking at the present day. Democracy is the ability to sustain a conversation, to expand the notion of the "we" to include those who are excluded from the group but are living moral lives. The idea of honesty in public life can only be sustained in the long run not only by having laws which delineate rules, but by the kind of urge toward moral perfectionism that does not allow a climate in which such public corruption may flourish.

In the United States, she thought often of the works of Emerson and Thoreau, two people who were most familiar with Indian thought and tradition.

One cannot think about religious values as though they were perfected in religions that were some kind of separated entities between which there can be some sort of interfaith dialogue. Rather, all must seek means also to listen to those who had been excluded. This is one of the most important steps to ultimately have an impact on the overall ethical environment of the society, in which corruption becomes simply not part of the climate, and does not have to be regulated by laws. This is not to say that laws are not important, but that law by itself, unless it can have the legitimacy from society, can go only so far, and no further.

